

**STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT**

No. D-202-CV-2015-06367

PAMELA STERN

Plaintiff,

vs.

GEICO GOVERNMENT EMPLOYEES INSURANCE COMPANY

Defendant.

**COMPLAINT TO RECOVER DAMAGES
FOR PERSONAL INJURY PUNITIVE AND OTHER DAMAGES**

COMES NOW the Plaintiff Pamela Stern, by and through her attorney of record, Caruso Law Offices, P.C., by Mark J. Caruso, and brings her claim for damages against the Defendant and for her cause of action states as follows:

1. Plaintiff Pamela Stern is a resident of Albuquerque, County of Bernalillo, State of New Mexico.
2. Defendant Geico Government Employees Insurance Company is a foreign corporation doing business in the State of New Mexico by issuing automobile liability insurance policies to New Mexico residents.
3. Plaintiff Pamela Stern procured her automobile insurance policy from Defendant Geico Government Employees Insurance Company. Said policy provided for automobile motorist-coverage in the event Plaintiff Pamela Stern had an accident with an under-insured driver.
4. Defendant Geico Government Employees Insurance Company, therefore, is a proper party, and this Court has in personam jurisdiction over Defendant Geico Government Employees Insurance Company and the subject matter of this action.

5. The incident giving rise to this action occurred in County of Bernalillo, State of New Mexico of New Mexico.

6. On or about March 3, 2014, Plaintiff Pamela Stern was traveling westbound on Cloudview Avenue NE at its intersections with Tramway Boulevard NE. At approximately under-insured driver Alexandra Garnand was traveling northbound on Tramway Boulevard NE at the same intersection. Alexandra Garnand ran a red light colliding with Plaintiff Pamela Stern.

7. That it then and there became the duty of Alexandra Garnand to operate her vehicle in a careful and prudent manner with respect to other vehicles at said location.

8. That in violation of said duty, Alexandra Garnand drove her vehicle into the vehicle operated by and driven by Plaintiff Pamela Stern and Garnands negligence includes one, or more than one, or all, of the following acts or omissions:

Failing to obey traffic control device;

Driver inattentively;

Failing to keep a proper lookout;

Running a red light;

Driving too fast for conditions;

Failing to keep a vehicle under control;

Driving a vehicle in violation of existing motor vehicle statutes and ordinances;

Failing to operate a vehicle in a safe and reasonable manner; and

Driving a vehicle in a careless manner

10. Plaintiff Pamela Stern was insured with Defendant Geico Government Employees Insurance Company, both for statutorily required coverage and for under-insured motorist coverage.

11. Pursuant to New Mexico statute and case law, Geico Government Employees Insurance Company is directly liable for the acts of the under-insured driver Alexandra Garnand under the underinsured motorist coverage in the policy.

12. Geico Government Employees Insurance Company has a duty to the Plaintiff, their insured to provide the referenced coverage.

13. Defendant Geico Government Employees Insurance Company has breached its duty to the Plaintiff, their insured, to provide the referenced coverage.

14. Defendant Geico Government Employees Insurance Company is directly liable to Plaintiff Pamela Stern for the following:

Costs of medical treatment both past and future

Damages for pain and suffering both past and future

Damages for permanent injury and impairment

Damages for punitive damages;

15. Plaintiff Pamela Stern seeks an amount of money in damages from Defendant which is less than \$75,000. This is therefore not subject to the diversity jurisdiction of the United States District Court.

WHEREFORE, Plaintiff Pamela Stern prays for judgment against Defendant Geico Government Employees Insurance Company, in an amount reasonable to compensate her for all the foregoing damage and injuries, punitive damages, plus interest and prejudgment interest, attorney's fees, the costs of this action, and for such other further relief as the Court may deem proper.

CARUSO LAW OFFICES, P.C.

By: /s/ Mark J. Caruso, Esq.
Mark J. Caruso, Esq.
David E. Shelle, Esq.
Attorneys for Plaintiff
4302 Carlisle Blvd., N.E.
Albuquerque, New Mexico 87107
Telephone: (505) 883-5000
Facsimile : (505) 883-5012